

# EXHIBIT B

**COVER LETTER (to be sent on Settlement Claims Administrator letterhead)**

**DATE**

**NAME**

**ADDRESS**

**CITY, STATE ZIP CODE**

**Re: NOTICE OF CLASS ACTION SETTLEMENT AGAINST  
IL MULINO RESTAURANTS IN MANHATTAN  
(*Argudo, et al v. Parea Group LLC*, No. 18 CV 678)**

Dear **[NAME]**,

According to Il Mulino's records, you worked as a tipped food-service employee at an Il Mulino restaurant in Manhattan during the time period covered by a class action lawsuit for unpaid wages. The Parties have reached a settlement in that lawsuit under which you are eligible to receive a portion of the settlement. Enclosed herein is a Court approved Notice, Claim Form and Form W-9. **In order to receive payment under the settlement, you must sign the two enclosed forms entitled "CLASS MEMBER CLAIM FORM" and "SUBSTITUTE FORM W-9 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER."** You will not receive money from the settlement unless you submit a Claim Form and IRS Form W-9 by **[DATE]**. **In order to receive your settlement amount, both these forms must be mailed or emailed to the addresses listed in the Claims Form.**

For full information about the settlement and how to claim your share of the settlement, please contact the employees' attorney Josef Nussbaum at (212) 688-5640 or [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com).

Sincerely,

**[Settlement Claims Administrator]**

**NOTICE OF PROPOSED CLASS ACTION LAWSUIT SETTLEMENT  
AND FAIRNESS HEARING**

**TO: PERSONS WHO WORKED AS A FOOD-SERVICE EMPLOYEE AT AN IL MULINO RESTAURANT IN MANHATTAN BETWEEN JANUARY 26, 2012 AND [DATE OF PRELIMINARY APPROVAL].**

Based on information in the records of Il Mulino restaurants, you were employed as food-service employee at an Il Mulino restaurant in Manhattan between January 26, 2012 and [DATE OF PRELIMINARY APPROVAL]. and are entitled to participate in the proposed settlement of the case captioned *Argudo et al v. Parea Group LLC*, et al, 18 CV 678 (S.D.N.Y.) (the “Lawsuit”). The Lawsuit was brought by Henry Argudo and Diego Sanay against IMNY GS LLC d/b/a Il Mulino Tribeca, GFB Restaurant Corp. d/b/a Il Mulino Downtown, Wonderful Restaurant LLC d/b/a Il Mulino Uptown, K.G. IM Management, LLC, Pasta Perfect LLC, IM 60 Street, Il Mulino USA, IM LLC-I, Brian Galligan, and Gerald Katzoff (collectively “Defendants” or “Il Mulino”).

Under the terms of the settlement, you may claim money under the Settlement. **A CLAIM FORM IS ENCLOSED WITH THIS NOTICE. YOU WILL RECEIVE MONEY FROM THIS SETTLEMENT ONLY IF YOU RETURN THE ATTACHED CLAIM FORM AND A VALID AND FULLY EXECUTED IRS FORM W-9 TO THE CLAIMS ADMINISTRATOR ON OR BEFORE [INSERT DATE].**

**1. WHAT IS THE PURPOSE OF THIS NOTICE?**

**PLEASE READ THIS NOTICE CAREFULLY.** It contains important information about your rights concerning the settlement of the Lawsuit. If the Court approves the Settlement Agreement, each Class Member will be bound by its terms unless he/she affirmatively opts-out of the Settlement Agreement.

The Court has ordered that this Notice be sent to you to inform you of your rights under the Settlement Agreement resolving the Lawsuit.

**2. WHAT IS THIS CASE ABOUT?**

The Lawsuit asserts claims under the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) alleging that Il Mulino failed to properly compensate certain front of the house food-service employees at its Manhattan, NY locations for all hours worked, including overtime for hours worked in excess of forty per workweek. The Lawsuit also alleges that employees were not provided with the appropriate notices that Il Mulino was required to provide them with. Finally, the Lawsuit alleges that—at the Trattoria Il Mulino location—Defendants misappropriated portions of employees’ tips, by forcing them to share tips with individuals who did not perform customer service.

Defendants deny these allegations in their entirety and maintain that all food-service employees were paid properly and received all monies owed. The Parties have entered into this Settlement Agreement solely with the intention to avoid further disputes and litigation with the attendant inconvenience and expense. The Court has not made any ruling on the merits of the claims in the Lawsuit, and no party has prevailed in this action.

### **3. WHO IS INCLUDED IN THE CLASS?**

The Parties have agreed to settle the Lawsuit for a class consisting of all food-service employees employed at certain Il Mulino locations in Manhattan between January 26, 2012 and [THE DATE OF PRELIMINARY APPROVAL] (“Class Members”). You have received this notice because Il Mulino has identified you as a Class Member based on their records.

### **4. HOW WILL MY SHARE OF THE SETTLEMENT FUND BE CALCULATED?**

If the Settlement Agreement is given final approval by the Court, Defendants will pay up to a maximum of \$2,500,000.00 in total settlement funds. If the Court also approves the payments set forth below, the following payments and expenses will be deducted from the \$2,500,000.00 prior to distribution of the settlement funds to Claimants:

1. Attorneys’ Fees and Costs: Class Counsel will apply to the Court for recovery of costs and attorneys’ fees of one-third of the Settlement Fund after deducting their costs. This amount will be requested pursuant to the Named Plaintiffs’ professional services agreement.
2. Service Awards: If the Court approves such payments, \$10,000 will be paid to the Named Plaintiffs Henry Argudo and Diego Sanay.
3. Claims Administrator Costs: Class Counsel will apply to the Court for recovery of all costs of administration of this settlement.
4. If the Court approves the payments listed above, the remaining Settlement Fund (the “Net Settlement Fund”) will be allocated to Class Members based on the wages they earned and amount of time they worked as food-service staff between January 26, 2012 and [THE DATE OF PRELIMINARY APPROVAL].
  - No Class Member will be allocated a settlement share that is less than \$50.
  - Once checks are issued they will be valid for only 130 days.
  - For more information about how individual settlement awards are calculated, you may contact Class Counsel, Josef Nussbaum at Joseph & Kirschenbaum LLP, 32 Broadway, Suite 601, New York, NY 10004 at 212-688-5640 or jnusbsaum@jk-llp.com.

- **If you do nothing, you will remain part of the case, not receive payment and still be bound by the terms of this Settlement Agreement.**

## **5. HOW CAN I COLLECT MY SHARE OF THE SETTLEMENT?**

**In order to collect your share of the settlement, you must fill out the enclosed Claim Form and IRS Form W-9. If you do not fill out a Claim Form or do not provide an IRS Form W-9, you will not receive any money from this settlement.** Attached to this Notice is a Claim Form and IRS Form W-9 which you must fill out and mail, postmarked on or before [REDACTED], to:

### **CLAIMS ADMINISTRATOR'S INFO**

You may also email the Claim Form and IRS Form W-9 to Josef Nussbaum at [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com) or to [tpa info] on or before [REDACTED].

Il Mulino cannot retaliate against you for participating in this Settlement and/or filing a Claim Form.

It is your responsibility to retain proof of timely mailing or submission of a Claim Form and IRS Form W-9 until receipt of your settlement payment. If you move, you must send the Claims Administrator your new address. It is your responsibility alone to provide a forwarding address to the United States Post Office and your current address to the Claims Administrator.

If you are found eligible to participate in the Settlement, you should not expect to receive any payment until the Settlement is final, which will likely be several months away.

## **6. WHAT IS THE LEGAL EFFECT OF THE SETTLEMENT?**

Upon the Order Granting Final Approval of the Settlement Agreement, and except as to such rights or claims as may be created by this it, each Participating Class Member, on his or her behalf, and on behalf of his or her respective current, former and future heirs, spouses, executors, administrators, agents, and attorneys, fully releases and discharges Defendants, Defendants' present and former parent companies, subsidiaries, related or affiliated companies, shareholders, officers, directors, members, managers, co-joint venture, fiduciaries, trustees, employee benefit plan administrators, agents, attorneys, insurers, successors and assigns, and all persons or entities acting by, through, under or in concert with any of them, and any individual or entity which could be jointly liable with any of them ("Releasees"), from any claims under the New York Labor law and/or any applicable New York State Wage Order or local law, including but not limited to, claims related to the time they worked at Il Mulino, claims for unpaid wages and/or tips, overtime pay, failure to maintain and furnish employees with proper wage records, paystubs, and/or notices, liquidated damages, attorneys' fees and costs, and all other

claims that were or could have been asserted in the Lawsuit under state wage and hour or employment laws, whether known or unknown, through the date of preliminary approval, including but not limited to state law claims for overtime, unpaid wages/tips, interest, liquidated damages, and attorneys' fees and costs related to such claims.

In addition, if you sign and return a Claim Form that is accepted pursuant to this Settlement, you, on your own behalf, and on behalf of your respective current, former and future heirs, spouses, executors, administrators, agents, and attorneys, will forever and fully release Defendants and Releasees from any FLSA claims relating to the time you worked at Il Mulino in Manhattan, claims for unpaid wages and/or overtime wages, unpaid tips, liquidated damages, and attorneys' fees and costs related to such claims, that were or could have been asserted in the Litigation, whether known or unknown, through the date you sign the Claim Form.

#### **7. HOW DO I OPT OUT OF THE SETTLEMENT CLASS?**

You have the option of opting-out of the Settlement Agreement if you do not want to participate in the Settlement or be bound by the release of claims described above. To opt-out of the Settlement Agreement you must do so by [REDACTED]. If you do not opt out, you will be bound by the terms of the Settlement Agreement. To opt out, you must mail a signed letter which specifically states, "I elect to exclude myself from the settlement in *Argudo, et al. v. Parea Group, LLC, et al.*, Case No. 18 Civ. 678" postmarked no later than [REDACTED]. You must include your name and address in the letter. If you choose to opt out, send your letter to:

[CLAIMS ADMINISTRATOR]

#### **8. WHAT IF I HAVE AN OBJECTION TO THE SETTLEMENT?**

If you have not opted out of the Settlement, and if you wish to present objections to the proposed settlement at the Fairness Hearing, you must first do so in writing. You are not required to submit an objection. Written objections must be postmarked no later than [REDACTED] and sent to:

[CLAIMS ADMINISTRATOR]

Written objections must contain your name and address, must be signed by you, and must include reference to the matter of *Argudo, et al. v. Parea Group, LLC, et al.*, Case No. 18 Civ. 678. If you opt-out of the settlement, you may not also object to the settlement.

#### **9. WHEN IS THE FAIRNESS HEARING?**

A hearing before the Honorable Jesse M. Furman, U.S.D.J., will be held on [REDACTED] at [REDACTED] at the United States District Court for the Southern District of New York, 40 Foley Square, New York, NY 10007 (the "Fairness Hearing"). The purpose of this hearing will be for the Court to determine whether the

Settlement Agreement is fair, adequate, and reasonable and should be approved by the Court. The Court will take into account any comments or objections filed in accordance with the procedures described above.

<b>10. HOW CAN I EXAMINE COURT RECORDS?</b>
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This Notice does not contain all of the terms of the proposed Settlement or all of the details of these proceedings. For more detailed information, you are advised to refer to the underlying documents and papers on file with the Court.

Additionally, if you have questions about this Notice or want additional information, you can contact Josef Nussbaum of Joseph & Kirschenbaum LLP at 212-688-5640 or [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com) or the Claims Administrator at the address/phone number listed above.

**CLASS MEMBER CLAIM FORM**

*Argudo, et al. v. Parea Group, LLC, et al.*, Case No. 18 Civ. 678 (JMF)

**TO SHARE IN THE SETTLEMENT, YOU MUST COMPLETE, SIGN AND RETURN THIS CLAIM FORM AND THE ENCLOSED IRS FORM W-9. YOU WILL NOT RECEIVE ANY PAYMENT FROM THE SETTLEMENT UNLESS YOU SUBMIT BOTH THIS CLAIM FORM AND THE IRS FORM W-9. THE CLAIM FORM MUST BE POSTMARKED OR E-MAILED NO LATER THAN \_\_\_\_\_,**

**MAIL TO:**

*Argudo, et al. v. Parea Group, LLC, et al.*

**[CLAIMS ADMINISTRATOR]**

**[ADDRESS / PHONE/FAX]**

**E-MAIL TO:**

**Josef Nussbaum**

**[jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com)**

The records of Il Mulino indicate that you were employed by Il Mulino in Manhattan as a tipped food-service employee between January 26, 2012 and [THE DATE OF PRELIMINARY APPROVAL]. Based on the hours you worked according to Il Mulino's records, your estimated Individual Settlement Amount is approximately \_\_\_\_\_. Please note that this is just an estimate and is subject to change.

By signing and returning this form and the enclosed IRS Form W-9, you are claiming your Individual Settlement Amount and opting-in to the above-captioned lawsuit brought to recover wages under the Fair Labor Standards Act and New York Labor Law.

By signing and returning this form and the IRS Form W-9, you acknowledge that you are releasing claims against Defendants and Releasees, as set forth in greater detail in the Notice of Settlement.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Sign your name here)

**CORRECTIONS OR ADDITIONAL INFORMATION**

Write any name and address corrections below if any is necessary **OR** if there is no preprinted data to the left, please provide your name and address here:


Daytime Telephone Number:

Evening Telephone Number:

**SUBSTITUTE FORM W-9 REQUEST FOR TAXPAYER  
IDENTIFICATION NUMBER AND CERTIFICATION**

In order to satisfy your tax reporting obligations related to any payment you may receive for the *Argudo, et al v. Parea Group LLC et al.* settlement to the IRS, please complete and return this Substitute IRS Form W-9 to the Third Party Administrator at the address or email address listed above no later than [REDACTED], [REDACTED].

Thank you,  
[Third Party Administrator]

**TAXPAYER IDENTIFICATION NUMBER**

Name (as shown on your income tax return): \_\_\_\_\_

Exempt payee code (if any) \_\_\_\_\_ Exemption from FATCA reporting code (if any) \_\_\_\_\_

Enter your social security number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**CERTIFICATION**

**Under penalties of perjury, I certify that:**

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholdings because: (a) I am exempt from backup withholdings, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholdings as a result of failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholdings, and
3. I am a U.S. person (including a U.S. resident alien), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct

\_\_\_\_\_  
W-9 Signature

\_\_\_\_\_  
W-9 Signature Date

**Note:** If you have been notified by the IRS that you are subject to backup withholdings, you must cross out item two above. The IRS does not require your consent to any provision of this document other than this Form W-9 certification to avoid backup withholdings.

**PROPOSED E-MAIL NOTICE**

**Subject: NOTICE OF CLASS ACTION SETTLEMENT AGAINST IL  
MULINO** (*Argudo, et al. v. Parea Group, LLC, et al.*, Case No. 18  
Civ. 678 (JMF))

According to Il Mulino's records, you worked as a tipped, food-service employee at an Il Mulino restaurant in Manhattan, NY from January 26, 2012 through the present, and covered by in a class action settlement for unpaid wages and are eligible to receive a portion of the settlement. For full information about the settlement and how to claim your share of the settlement, please see the attached notice, claim form and IRS W-9 Form. You may also contact the employees' attorney Josef Nussbaum at (212) 688-5640 or [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com). You will not receive money from the settlement unless you submit a signed and completed claim form and IRS Form W-9 by [DATE].

**Body of the text message to Class Members:**

According to Il Mulino's records, you worked as a tipped, food-service employee at an Il Mulino restaurant in Manhattan, NY from January 26, 2012 through the present, and covered by in a class action settlement for unpaid wages and are eligible to receive a portion of the settlement. For additional information about the case, including how to join, please contact the employees' attorney Josef Nussbaum at (212) 688-5640 or [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com).

**Spanish translation:**

Si trabajó como empleado de servicio de alimentos con propina en un restaurante Il Mulino en Manhattan, NY en cualquier momento entre el 26 de enero de 2012 y el presente, puede unirse a una demanda que reclama salarios no pagados. Para obtener información adicional sobre el caso, incluido cómo unirse, comuníquese con el abogado de los empleados Josef Nussbaum al (212) 688-5640 o [jnussbaum@jk-llp.com](mailto:jnussbaum@jk-llp.com).